

**ENTERED**

April 16, 2021

Nathan Ochsner, Clerk

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION

LEGACY FUNERAL GROUP, LLC,

Plaintiff,

VS.

ANTHONY JOSEPH DAMIANO; aka  
DAMIANO, *et al*,

Defendants.

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CIVIL ACTION NO. 4:19-CV-4686

**ORDER**

Before the Court is a Motion to Reconsider filed by Defendant Legacy Funeral Services, LLC (“Defendant”) (Doc. No. 54). Defendant asks the Court to reconsider its previous order denying Defendant’s Motion to Dismiss (Doc. No. 52) in light of the recent Supreme Court ruling in *Ford Motor Co. v. Montana Eighth Judicial Dist. Court*, 141 S. Ct. 1017 (2021). The Court, having considered the motion and the applicable law, **DENIES** the Motion for Reconsideration.

As this Court already found, Defendant created and ran ads targeted to every incorporated city in Texas, purported to serve—whether or not it really did—clients in Texas, made representations that it was headquartered in Texas, and hosted a website that solicits and receives information from residents of Texas. (Doc. No. 52 at 6–9). Clearly, Defendant purposefully availed itself of the laws of Texas. Moreover, this is a trademark case, wherein the Plaintiff is contesting Defendant’s use of its name and trademark in Texas. Thus, this alleged infringement both relates to and arises out of Defendant’s presence and representations of its presence in Texas, and its alleged use of Plaintiff’s trademark in Texas. *Ford Motor Co.* did not materially change the basic requirements of the “connection” required between a plaintiff’s suit and a defendant’s

activities. 141 S. Ct. at 1026. Nothing in *Ford Motor Co.* would change any of the conclusions this Court has made in its prior order. In fact, it reaffirms it.

Signed at Houston, Texas, this 16<sup>th</sup> day of April, 2021.

A handwritten signature in black ink, appearing to read 'Andrew S. Hanen', written over a horizontal line.

Andrew S. Hanen  
United States District Judge